

REMARKS

Status of the Claims

- Claims 1-29 are pending in the Application.
- Claims 1-29 are rejected by Examiner.

Claim Rejections Pursuant to 35 U.S.C. §102

Claims 27, 28, and 30 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,974,549 to Golan.

The Office Action dated 12/01/2006 states on page 9:

“The claims and only the claims form the metes and bounds of the invention. The Examiner has full latitude to interpret each claim in the broadest reasonable sense. All of the features identified by the applicant have been anticipated by relevant sections of Biebesheimer as set forth above (Biebesheimer: abstract, L1-12; page 1, par 2; page 2, par 18; page 3, par 30; pages 5 and 6 pars 42-44). The Examiner interprets generating a response set from the resource library based on the prediction of user's selections over time as being a predictive pattern. The prediction that the user will select one of the items is user satisfaction data. The predicting functions will provide a model to predict the user's satisfaction. Moreover, generating a response set that includes the most relevant items to a user's query is user's satisfaction data.” (Office Action, page 3).

Also, page 2-3 of the Office Action states, in relevant part:

“(Biebesheimer: abstract, L1-26; obtaining a response set based on relevancy to the user's query is obtaining predicted user satisfaction data)” (Office Action, pages 2-3)

Applicant agrees that the Examiner has full latitude to interpret the claims in the broadest reasonable sense. However, Applicant is concerned that the claims have not

been interpreted in a “reasonable” sense. For example, from the above description of the rejection, the Applicant draws the following synopsis in table form:

<u>Claim 1 Element</u>	<u>Equates to</u>	<u>Biebesheimer teaching</u>
“Predictive Pattern”	=	generating a response set based on the prediction of user's selections over time.
“User Satisfaction Data”	=	prediction that the user will select one of the items
“User’s Satisfaction Data”	=	generating a response set that includes the most relevant items to a user's query
“Predicted User Satisfaction Data”	=	a response set based on relevancy to the user's query

Applicant concludes that the Office Action equates the Claim 1 element of a “predictive pattern” with generation of the Biebesheimer “response set”. Also, the Claim 1 element of “user satisfaction data” is also equated with the Biebesheimer “response set” or a prediction that the user will select one of the items of the “response set”. Also, the Claim 1 element of a “predicted user satisfaction data” is also equated with the Biebesheimer “response set”.

Applicant respectfully submits that the Claim 1 elements of a “predictive pattern” and “user satisfaction data” and “predicted user satisfaction data” are different elements each having a different meaning as used in the present application. However, the Office Action equates all of these different elements to some relationship of the single Biebesheimer “response set” item.

Applicant respectfully submits that the use of the Biebesheimer “response set” item to equate to the three different Claim 1 elements is not a reasonable interpretation of Claim 1. In as much as Claim 1 recites multiple different elements that function interdependently in a specific manner, Applicant respectfully submits that the Biebesheimer “response set” does not teach the three individual elements of Claim 1 and the Biebesheimer “response set” also fails to teach all of the interdependent functions between the different Claim 1 elements. Thus, the Biebesheimer “response set” element does not anticipate the three separate Claim 1 elements because all of the elements and their interdependence are not taught.

For Example, in Claim 1, a method for obtaining *predicted user satisfaction data* includes:
storing at least one *predictive pattern* for predicting user satisfaction;
applying said *predictive pattern* to at least one element of context-based user behavior data; and generating *predicted user satisfaction data* based on the application of the *predictive pattern* to the at least one element of context-based user behavior data, the *predicted user satisfaction data* comprising an indication of user satisfaction.

Since the Office Action merges the Claim 1 elements of “predictive data” and “user satisfaction data” and “predicted user satisfaction data” into the single Biebesheimer “response set” item, then, at a minimum, Claim 1 recites a method that is different than that of Biebesheimer. Specifically, Claim 1 recites that a “predictive pattern” is applied to context-based user behavior data to generate “predicted user satisfaction data” where the predicted user satisfaction data comprises an indication of user satisfaction. This interaction of elements of Claim 1 is in sharp contrast to the analogy of the single item of generating a response set in Biebesheimer. Here, Biebesheimer fails to recite the distinct different elements and the interaction of those different elements of Claim 1.

Applicant respectfully submits that Biebesheimer does not teach that a “predictive pattern” is applied to context-based user behavior data to generate “predicted user satisfaction data” where the predicted user satisfaction data comprises an indication of user satisfaction because the distinct elements of a predictive pattern functioning with to context-based user behavior to generate predicted user satisfaction

data are not specifically taught in Biebesheimer. Thus, Applicant respectfully concludes that Claim 1 recites allowable subject matter because it patentably defines over the cited art.

Applicant notes that independent Claims 10, 18, 22 and 25 likewise recite multiple separate elements of “a predictive pattern” and “predicted user satisfaction data” which are analogized with the Biebesheimer “response set”. Biebesheimer fails to teach all distinct elements of the claims. Accordingly, Applicant respectfully submits that independent Claims 10, 18, 22, and 25 and their respective dependent claims also recite allowable subject matter because they patentably define over the cited art.

In another aspect, Biebesheimer teaches at paragraph 0042:

“Preferably, the adaptive indexing algorithm 285, is an offline process, employed to try out several functions against an amount, e.g., a months worth, of User Interaction Records 19, for example, and output the best Instantiated Resource Indexing Functions 27' that may be used in processing specific queries via a Resource Lookup sub-process 288. This supervised learning system knows the right answer--which resources the users eventually selected over time from those presented--and the system considers possible functions to predict the selection. For example, suppose there were three possible functions: a first Function 1 that would have predicted the response set that the users eventually selected 75% of the time; a second Function 2 that would have predicted the response set that the users eventually selected only 55% of the time; and a third Function 3 that would have predicted the response set that the users eventually selected 75% of the time, but would have predicted a smaller response set. Then the Function 3 would be considered a better function than Function 1.” (Biebesheimer, Paragraph 0042).

Applicant submits that, in Biebesheimer, a prediction of the user selection of the output response set may be made by a “Function” (i.e. Function 1, 2, or 3) that the

supervised learning system uses as expressed in paragraph 0042. Thus, in one sense, the prediction of a selection of the output response set is a “function” exercised by the supervised learning system. Applicant notes that, in Biebesheimer, the response set itself is displayed, but not the “function” of the supervised learning system.

Applicant notes that on page 3 of the Office Action it is stated that “The prediction that the user will select one of the items is user satisfaction data.” Assuming this to be true, then the “prediction” of the user satisfaction data logically corresponds to one of the “Functions” of paragraph 0042 in Biebesheimer. Applicant cannot find a teaching that the “Functions” in Biebesheimer are displayed. Applicant notes that Claim 6 recites that the method of Claim 1 further comprises the step of displaying the predicted user satisfaction data. Yet, as discussed above, Biebesheimer fails to teach the display of the “functions” which predict the Biebesheimer response set. Accordingly, Applicant concludes that Claim 6 is another indication of subject matter not taught in Biebesheimer and thus Claim 6 is allowable subject matter. Applicant notes that Claims 15 and 25 also recite displaying or outputting the predicted user satisfaction data and are likewise allowable.

DOCKET NO.: MSFT-2826/306403.01
Application No.: 10/806,271
Office Action Dated: December 1, 2006

**PATENT
REPLY FILED UNDER EXPEDITED
PROCEDURE PURSUANT TO
37 CFR § 1.116**

Conclusion

In view of the above remarks, Applicant submits that the present application is in a condition for allowance without amendments because not all elements and functionality and interdependence of elements in independent Claims 1, 10, 18, 22, and 25 are explicitly taught by Biebesheimer. Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C §102 rejection. Applicant respectfully and earnestly solicits a Notice of Allowance for all pending claims.

Respectfully submitted,

Date: February 1, 2007

/Jerome G. Schaefer/

Jerome G. Schaefer
Registration No. 50,800

Woodcock Washburn LLP
Cira Centre
2929 Arch Street, 12th Floor
Philadelphia, PA 19104-2891
Telephone: (215) 568-3100
Facsimile: (215) 568-3439